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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,174	06/13/2001	Naosumi Tada	DKT00127	5817
7590	12/15/2003		EXAMINER	
Borg Warner Inc. Powertrain Technical Center 3800 Automation Avenue, Ste. 100 Auburn Hills, MI 48326			JOHNSON, VICKY A	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/880,174	TADA, NAOSUMI
	Examiner	Art Unit
	Vicky A. Johnson	3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 December 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not describe a way to increase the coefficient of friction between two surfaces. The coefficient of friction can neither increase nor decrease between two surfaces. The coefficient of friction between one metal surface and another metal surface remains constant, as does the coefficient of friction between a metal surface and a rubber insert. To say "the friction surface selected to increase the coefficient of friction between the adjacent blade springs relative to the coefficient of friction between the opposing surface of the adjacent blade springs without the friction surface" is incorrect.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3682

3. Claims 1, 2, ⁷, 8, 12-15 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cradduck et al (US 5,055,088) in view of Rowland et al (US 2,920,884).

Cradduck et al disclose a blade tensioner for applying tension to a chain, the blade tensioner comprising: a blade shoe (30) having a first face and an opposing second face (see Fig 2), the first face having a chain sliding surface on which the chain is slidable (see Fig 2); at least two adjacent blade springs (21,22) each having an upper and lower planar surface (see Figs 3 and 4A), disposed on the second face of the blade shoe for applying a spring force to the blade shoe (col. 2 lines 54-59), the adjacent blade springs having opposing surfaces slidable relative to each other (col. 1 lines 15-38).

Cradduck et al does not disclose a friction surface provided between the contact surfaces of the adjacent blade springs and selected to increase the coefficient of friction between the adjacent blade springs relative to the coefficient of friction between the opposing surfaces of the adjacent blade springs without the friction surface, effective to damp vibrations of the tensioner.

Rowland et al show the use of a friction surface (28) provided between the lower planar surface of a first blade spring (14) and the upper planar surface of a second blade spring (18) and selected to increase the coefficient of friction between the adjacent blade springs there between effective to damp vibrations of the tensioner (col. 1 lines 62-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tensioner of Cradduck et al to include a friction surface as taught by Rowland et al in order to reduce wear between the blade springs (col. 1 lines 62-67).

Re claim 2, Rowland et al show the use of blade springs (14, 18) having a friction surface being a plate-like member (28) extending in the length direction of the blade springs (see Fig 3) and is provided independently from the blade springs (col. 2 lines 63-73).

Re claim 3, Rowland et al show the friction surface comprises a plate-like member extending in the length direction of the blade springs (see Fig 3) and attached to at least one blade spring through bonding or welding.

Re claims 7, 8 and 9, Rowland et al show the friction parts are configured using rubber (col. 2 lines 63-66), plastic, or friction paper.

Re claim 12, Rowland et al disclose set of spring blades comprising: a first blade spring (14) having an upper and a lower planar surface (see Fig 3); a second blade (18) spring having an upper and a lower planar surface disposed below the first blade spring (see Fig 3), the lower planar surface of the first blade spring and the upper planar surface of the second blade spring in sliding engagement (col. 1 lines 57-68); and a friction surface (28) provided between the lower planar surface of the first blade spring and the upper planar surface of the second blade spring (see Fig 3) having a coefficient of friction selected to damp vibrations of the tensioner (col. 1 lines 57-68).

Re claims 13 and 22, Rowland et al show the friction surface is formed on at least one of the blade springs (col. 2 lines 63-73).

Re claims 14 and 23, Rowland et al show the friction surface comprises a friction plate (10) disposed between the blade springs (see Fig 3).

Re claims 15 and 24, Rowland et al show the friction plate is attached to at least one of the blade springs (col. 2 lines 63-73).

Re claim 18, Craddock et al show the blade shoe having a chain sliding face (30) against which the chain is slidable (see Fig 1), wherein the blade springs are disposed between slots (see Fig 5) formed on a face of the blade shoe opposite the chain sliding face (see Fig 1).

Re claim 19, Cradduck et al shows a base provided for pivotably mounting a first end of the blade shoe (see Fig 1).

Re claim 20, Cradduck et al shows a second end of the blade shoe is freely slidable upon the base (see Fig 1).

4. Claims 4-6, 10, 11, 16, 17-20, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cradduck et al (US 5,055,088) in view of Rowland et al (US 2,920,884) as applied to claims 1-3, 7-9, 12-15, 23 and 24 above and further in view of McCutcheon et al (US 5,691,037).

Cradduck et al disclose a blade tensioner as described above, but do not disclose the friction surface comprises a plurality of members extending in the length

direction of the blade springs and attached to at least one blade spring through bonding or welding.

McCutcheon et al teaches the use of two surfaces (56,60) having a friction surface comprises a plurality of members (58) extending in the length direction of the surfaces (see Fig 3D) and attached to at least one surface through bonding (col. 16 lines 1-5) or welding.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a plurality of transverse members between the spring blades of Cradduck et al as taught by McCutcheon et al in order to improve vibrational damping (col. 10 lines 31-32).

Re claims 5 and 6, Cradduck et al show the blade spring and McCutcheon et al show and render obvious the bumpy surfaces (58) created on contact faces between the friction surface and at least one surface (see Fig 3D).

Re claims 10 and 11, McCutcheon et al show the friction parts are configured using rubber (col.11 lines 9-16), plastic, or friction paper.

Re claims 16 and 25, Cradduck et al show the blade springs and McCutcheon et al show and render obvious the friction surface comprises a plurality of transverse members (58) disposed between the surfaces (see Fig 3D).

Re claims 17 and 26, Cradduck et al show the blade springs and McCutcheon et al show and render obvious at least one of the plurality of transverse members (58) is attached to at least one of the blade springs (see Fig 3D).

Response to Arguments

Some further comments regarding the Applicant's remarks are deemed appropriate.

The applicant argues that the Roland et al reference teaches away from claimed invention, because Roland et al disclose the use of a liner insert to decrease the coefficient of friction between the springs. As stated above the coefficient of friction between two surfaces cannot be increased ^{nor} ~~nor~~ decreased. The Roland et al reference does not prevent the first and second spring from sliding relative to one another, the insert provided prevents the first (top) spring from sliding relative to the insert, because the coefficient of friction between the first spring and the insert can not be overcome by the force ^{that} ~~the~~ is applied to it. Sliding action still occurs (col.2 lines 3-7), but because the coefficient of friction between the insert and the spring is large the insert does not always slide relative to the spring, thereby eliminating the need for lubricant.

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

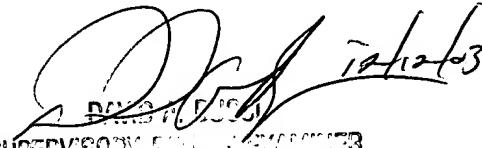
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

vaj


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